



**COMBINED DECLARATION AND POWER OF ATTORNEY
FOR UNITED STATES PATENT APPLICATION**

As a below named inventor(s), I (we) hereby declare that:

My residence, post office address and citizenship are as stated near my name below.

I (We) believe I (we) are the **original, first and joint inventor(s)** of the subject matter of which is claimed and for which a patent is sought on the invention entitled:

**AERATED CONFECTION CONTAINING HIGH LEVELS OF FRUIT SOLIDS AND
METHOD OF MAKING SAME**

which is described and claimed in the specification of which:

___ is executed on even date herewith; attorney docket number

X was filed on **October 31, 2003** as United States Application Serial No. **10/698,799**, attorney docket number 67,500-658.

I declare that this application is:

X a first filing.

___ a continuation.

___ a continuation-in-part.

___ a divisional.

I (We) hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I (We) do not know and do not believe my invention was known or used by others in the United States of America, or patented or described in a printed publication in any country before my invention thereof.

I (We) do not know and do not believe my invention was patented or described in a printed publication in any country or in public use or on sale in the United States of America, more than one year prior to this application.

I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim that no application for patent or inventor's certificate on this invention has been filed in any foreign country or in the United States of America prior to this application by me or my legal representatives or assigns except as follows:

PRIORITY CLAIM

I (We) hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of the foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

 X no such applications have been filed.

 such applications have been filed as follows:

COUNTRY	APPLICATION NUMBER	DATE OF FILING (month, day, year)	PRIORITY CLAIMED UNDER 37 USC 119
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Yes No

I hereby claim priority to and all the benefits under Title 35, United States Code, §119(e) of any United States provisional application(s).

 no such applications have been filed.

 X such applications have been filed as follows:

<u>APPLICATION NUMBER</u>	<u>DATE OF FILING (month, day, year)</u>
60/422,812	October 31, 2002

I hereby claim priority to and all the benefits under Title 35, United States Code, §120 of any United States application(s) listed below. If the above identified application is a continuation-in-part application, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this continuation-in-part application in accordance with Title 37, Code of Federal Regulations, Section 1.63(e).

X no such applications have been filed.

___ such applications have been filed as follows:

APPLICATION NUMBER	DATE OF FILING (month, day, year)	STATUS (patented, pending, abandoned)
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POWER OF ATTORNEY

As a named inventor, I hereby appoint the following attorneys and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith with full power of substitution and revocation. (all names listed with corresponding registration numbers)

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William H. Honaker	31,623	David M. LaPrairie	46,295
Raymond E. Scott	22,981	Jeffrey A. Sadowski	29,005
Gregory D. DeGrazia	48,944	Randall L. Shoemaker	43,118
Samuel J. Haidle	42,619	Robert L. Stearns	43,118
Toni L. Harris	44,746	John P. Seuryneck	52,208
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DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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